

## § 920.303

## 7 CFR Ch. IX (1–1–06 Edition)

the same as defined in the U.S. Standards for Grades of Kiwifruit.

(c) *Exemptions.* Any person may handle kiwifruit without regard to the provisions of this section provided that such kiwifruit is handled for (1) consumption by charitable institutions; (2) distribution by relief agencies; or (3) commercial processing into products. For the purposes of this section, *commercial processing into products* means that the kiwifruit is physically altered in form or chemical composition through freezing, canning, dehydrating, pulping, juicing, or heating of the product. The act of slicing, dicing, or peeling shall not be considered commercial processing into products.

[50 FR 36568, Sept. 9, 1985, as amended at 51 FR 33564, Sept. 22, 1986; 52 FR 37130, Oct. 5, 1987; 53 FR 34035, Sept. 2, 1988; 53 FR 48513, Dec. 1, 1988; 54 FR 41436, Oct. 10, 1989; 55 FR 42181, Oct. 18, 1990; 56 FR 64942, Dec. 13, 1991; 57 FR 41854, Sept. 14, 1992; 57 FR 46243, Oct. 7, 1992; 58 FR 3069, Jan. 7, 1993; 58 FR 43245, Aug. 16, 1993; 59 FR 45620, Sept. 2, 1994; 59 FR 53565, Oct. 25, 1994; 60 FR 32260, June 21, 1995; 62 FR 49131, Sept. 19, 1997; 63 FR 46866, Sept. 3, 1998; 64 FR 41019, July 29, 1999; 65 FR 54948, Sept. 12, 2000; 66 FR 39270, July 30, 2001; 66 FR 54414, Oct. 29, 2001; 67 FR 1413, Jan. 11, 2002; 67 FR 54332, Aug. 22, 2002; 68 FR 44195, July 28, 2003; 69 FR 54199, Sept. 8, 2004; 70 FR 48841, Aug. 22, 2005]]

### § 920.303 Container marking regulations.

No handler shall ship any kiwifruit except in accordance with the following terms and conditions:

(a) Each package or container of kiwifruit shall bear on at least one outside principal display panel in plain sight and in plain letters, the word *kiwifruit*, the name of the variety (if other than the Hayward variety), if known or, when the variety is not known, the words *unknown variety*.

(b) Each package or container of kiwifruit shall bear on one outside principal display panel in plain sight and in plain letters the name and address (including the city, state, and zip code) of the shipper.

(c) Each package or container of kiwifruit shall bear on one outside principal display panel in plain sight and in plain letters the following information regarding the quantity of kiwifruit packed within the container:

(1) The quantity shall be indicated in terms of count and size for kiwifruit packed in cell compartments, cardboard fillers, or molded trays, and the contents shall conform to the count.

(2) The quantity shall be indicated in terms of the size designation and either the net weight for volume-fill containers packed by weight or the count for volume-fill containers packed by count.

(3) For bulk containers or individual consumer packages not within a master container, the quantity shall be indicated in terms of the size designation and net weight, or in terms of the size designation and count.

(4) Master containers, which hold more than one individual package, must be properly marked with the quantity of the contents. The size designation must also be indicated.

(5) The quantity shall be indicated in terms of either net weight or count (or both) for individual consumer packages within a master container. If count is used, it must be accompanied by the size designation.

(6) Designations of size, count, and net weight on each container shall be accompanied by the words *size*, *count*, or *net weight* as applicable.

(d) All exposed or outside containers of kiwifruit, but not less than 75 percent of the total containers on a pallet, shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector, except for individual consumer packages within a master container and containers that are being directly loaded into a vehicle for export shipment under the supervision of the Federal or Federal-State Inspection Service. Individual consumer packages of kiwifruit placed directly on a pallet shall have all outside or exposed packages on a pallet plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector or have one inspection label placed on each side of the pallet. Plastic containers of kiwifruit, placed on a pallet, shall be positive lot identified (PLI) in accordance with Federal or Federal-State Inspection Service procedures and shall have required information on the cards of the

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individual containers, as provided in this section of the regulations.

(e) As used in this section, the term *principal display panel* means that part of the package or container most likely to be displayed, presented, shown or examined under normal or customary conditions of display and purchase.

[58 FR 43246, Aug. 16, 1993, as amended at 61 FR 13395, Mar. 27, 1996; 64 FR 41019, July 29, 1999; 67 FR 54333, Aug. 22, 2002; 69 FR 54199, Sept. 8, 2004]

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AUTHORITY: 7 U.S.C. 601-674.

#### Subpart—Order Regulating Handling

SOURCE: 22 FR 3514, May 21, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

##### DEFINITIONS

#### § 922.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.